

Application No. 10/039,947  
SD-6858 Moore

content of drinking water" or the *Galbacs et al.* publication entitled "Ammonia removal from sewage waters by magnesium salts", in view of *D'Alerio* (U.S. Patent No. 2,340,111).

In response, applicants have amended claim 23 to depend from allowed claim 39. Hence, claim 23 (as currently amended) is now allowable.

Claims 26 and 53 depend from allowable claim 23. Hence, claims 26 and 53 are allowable.

Claim 27 was amended to depend from allowable claim 26. Hence, claim 27 (as currently amended) is now allowable.

#### IV. Claims 32 and 66

Claims 32 and 66 were rejected under 35 USC 103(a) as being unpatentable over applicant's own admitted prior art in view of the *Galbacs et al.* publication entitled "Removal of the arsenic content of drinking water"

In response, applicants have amended claim 32 to depend from allowed claim 39. Hence, claim 32 (as currently amended) is now allowable.

Claim 66 depends from allowable claim 32. Hence, claim 66 is allowable.

#### V. Claim 33

Claim 33 was rejected under 35 USC 103(a) as being unpatentable over the *Galbacs et al.* publication entitled "Removal of the arsenic content of drinking water" or the *Galbacs et al.* publication entitled "Ammonia removal from sewage waters by magnesium salts", in view of *Khandaker et al.* (U.S. Patent No. 6,802,980).

Applicants respectfully submit that the *Khandaker et al.* patent is **not a proper reference**. The *Khandaker et al.* application was filed on August 30, 2002. However, the present application was filed on October 25, 2001, which is **before** *Khandaker's* application was filed. Since the filing of the instant application represents a **constructive reduction to practice**, the rejection under 35 USC 103 **does not meet** the necessary requirements set forth in 35 USC 102(e) and should be withdrawn.

Additionally, both the *Khandaker et al.* patent and the instant patent application are **commonly assigned to the same entity, Sandia Corporation**. (See attached